

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:
JUAN FRANCISCO GONZALEZ NIEVES AS	:
TRUSTEE OF THE GONZALEZ CORONADO	:
TRUST, individually and on behalf of all others	:
similar situated,	:
	:
Plaintiff,	:
	:
- against -	:
	:
KEVIN DAVIS and AMIR ROSENTHAL,	:
	:
Defendants.	:
-----X	

Case No. 1:16-cv-03591-GHW

**NOTICE OF MOTION BY DEFENDANTS KEVIN
DAVIS AND AMIR ROSENTHAL TO DISMISS THE
THIRD AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, dated October 28, 2019, the Declaration of Jason C. Rubinstein, dated October 28, 2019, and the exhibits annexed thereto, and all other papers and proceedings herein, Defendants Kevin Davis and Amir Rosenthal, by and through their attorneys, hereby jointly move this Court, before the Honorable Gregory H. Woods, at a date and time to be set by the Court, at the United States District Court for the Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Room 2260, New York, New York 10007, for an Order, pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure and the Private Securities Litigation Reform Act, dismissing Plaintiff's Third Amended Complaint.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Order of the Court entered on September 6, 2019 [ECF No. 143], Plaintiff's opposition to this motion must be

served and filed no later than December 12, 2019, and Defendants' reply in further support of this motion must be served and filed no later than January 13, 2020.

Dated: October 28, 2019
New York, New York

FRIEDMAN KAPLAN SEILER &
ADELMAN LLP

COVINGTON & BURLING LLP

s/ Edward A. Friedman

Edward A. Friedman
Jason C. Rubinstein
Timothy M. Haggerty
7 Times Square, 28th Floor
New York, New York 10036-6516
Tel. (212) 833-1100
Fax (212) 833-1250
efriedman@fklaw.com
jrubinstein@fklaw.com
thaggerty@fklaw.com

Attorneys for Defendant Amir Rosenthal

s/ Alan Vinegrad

Alan Vinegrad
David L. Kornblau
Fatmata S. Kabia
The New York Times Building
620 Eighth Avenue
New York, New York 10018
Tel. (212) 841-1000
Fax (212) 841-1010
avinegrad@cov.com
dkornblau@cov.com
fkabia@cov.com

Attorneys for Defendant Kevin Davis